

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
THE NEW YORK STATE NURSES  
ASSOCIATION

Plaintiff,

v.

MONTEFIORE MEDICAL CENTER,

Defendant.  
----- X

Case No.: 1:20-CV-03122 (JMF)

**NOTICE OF MOTION TO  
DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Affidavits of David Brodsky, Dr. Theresa Madaline, Dr. Andrew Racine, J. Peter Savini, Maureen Scanlan, including the exhibits attached thereto; and all pleadings and proceedings heretofore had in the above-referenced matter, Defendant Montefiore Medical Center, by and through its undersigned counsel, will move this Court, before the Honorable Jesse Furman, United States District Judge, in the United States District Court, Southern District of New York, Thurgood Marshall United State Courthouse, 40 Foley Square, New York, NY 10007, at a date and time to be set by the Court, for an Order dismissing the Complaint pursuant to Federal Rule of Civil Procedure Rule 12(b)(6) for failure to state a claim and for such other and further relief as the Court may deem just and proper.

Dated: April 23, 2020

Respectfully submitted,

PROSKAUER ROSE LLP

By: /s/ Neil H. Abramson

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